

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Part 101 of the Commission's)	
Rules to Facilitate the Use of Microwave for)	WT Docket No. 10-153
Wireless Backhaul and Other Uses and to Provide)	
Additional Flexibility to Broadcast Auxiliary)	
Service and Operational Fixed Microwave)	
Licensees)	
)	
Request for Interpretation of Section 101.141(a)(3))	WT Docket No. 09-106
of the Commission's Rules Filed by Alcatel-)	
Lucent, Inc., <i>et al.</i>)	
)	
Petition for Declaratory Ruling Filed by Wireless)	WT Docket No. 07-121
Strategies, Inc.)	
)	
Request for Temporary Waiver of Section)	
101.141(a)(3) of the Commission's Rules Filed by)	
Fixed Wireless Communications Coalition)	

To: The Commission

**COMMENTS OF THE
WIRELESS INTERNET SERVICE PROVIDERS ASSOCIATION**

The Wireless Internet Service Providers Association ("WISPA"), pursuant to the Notice of Proposed Rulemaking and Notice of Inquiry ("*NPRM/NOI*") in the above-captioned proceedings and Section 1.415 of the Commission's Rules, hereby submits its initial Comments supporting the Commission's proposals to make additional spectrum available for Part 101 fixed service operations and to make other rule changes that will enable wireless Internet service providers ("WISPs") and others to more efficiently and economically provide broadband services.

Introduction

Founded in 2004, WISPA is a trade association of more than 400 WISPs, vendors and others dedicated to promoting, improving and expanding wireless broadband service nationwide. WISPs serve more than two million residences and businesses and operate in every state. Many WISPs operate in license-exempt bands (*e.g.*, 900 MHz, 2.4 GHz and 5.8 GHz) and the 3650-3700 MHz “licensed-lite” band to serve rural communities and other areas that would otherwise be unserved, and where few if any broadband alternatives exist. The vast majority of WISPs are “small businesses,” as defined in the Small Business Act.

WISPA appreciates this opportunity to submit Comments supporting the removal of regulatory barriers to use of spectrum for backhaul and for other point-to-point and point-to-multipoint communications. As WISPA has previously explained in Commission filings,¹ WISPs need licensed backhaul for their fixed wireless broadband networks as well as affordable, licensed point-to-multipoint spectrum.

Discussion

I. THE COMMISSION SHOULD ALLOW BAS AND CARS SPECTRUM TO BE LICENSED FOR BACKHAUL UNDER PART 101.

WISPA supports the Commission’s proposal to make 750 megahertz of BAS and CARS spectrum available on a shared basis for fixed and backhaul services pursuant to Part 101 of the Commission’s rules. More spectrum must be made available to accommodate the rapidly intensifying use of broadband services – fixed and mobile –

¹ See, *e.g.*, WISPA’s Comments in response to Public Notice, “*Comment Sought on Impact of Middle and Second Mile Access on Broadband Availability and Deployment*,” DA 09-2186, GN Docket Nos. 09-47, 09-51 and 09-137 (rel. Oct. 8, 2009), filed Nov. 4, 2009.

that WISPs and other providers are experiencing. Through Part 101 coordination, existing spectrum can be shared in an efficient manner without creating new instances of harmful interference.

WISPA also supports flexibility in channel widths.² Licensees should have the ability to select a channelization plan that corresponds to the bandwidth necessary to provide the desired throughput and data rates, as well as the equipment that is manufactured. For example, wider channel widths (wider than the current 25 MHz channel widths) would allow the provisioning of higher-bandwidth links that would better meet the higher-bandwidth needs expected by today's broadband customers. Wider channel widths also would be more suitable for higher-bandwidth spectrum sharing during TDM operation between two fixed stations and their associated auxiliary stations.

II. THE COMMISSION SHOULD PERMIT THE USE OF ADAPTIVE MODULATION.

The Commission proposes to allow licensees to temporarily reduce the payload capacity requirements during periods of "anomalous" signal fading. Using adaptive modulation, licensees could temporarily reduce the data rate to avoid loss of service over fixed service links when atmospheric conditions would otherwise cause a loss of service.

WISPA supports this rule change for the reasons cited in the *NPRM/NOI* and the Fixed Wireless Communications Coalition's underlying waiver request.³ Permitting adaptive modulation for atmospheric and other events beyond the licensee's control will

² See *NPRM/NOI* at ¶18.

³ See *id.* at ¶39.

reduce overall system costs by mitigating the need for alternate and duplicative system hardware.

III. THE COMMISSION SHOULD PERMIT LICENSEES TO OPERATE AUXILIARY STATIONS ON A SECONDARY BASIS.

The Commission seeks comment on a proposal submitted by Wireless Strategies, Inc. to permit fixed service licensees to operate “auxiliary stations” on a secondary basis in conjunction with the existing coordinated and licensed link.⁴ While in congested areas of the country auxiliary station use may not be possible, in other areas of the country auxiliary stations can provide the “second mile” link from the primary “middle mile” licensed backhaul link. Because the auxiliary stations would operate on a secondary basis, their existence would present no interference concerns for existing or subsequent primary licensees; rather, those licensees electing to operate auxiliary stations would do so at their own risk.

Permitting auxiliary fixed stations also would provide other benefits. First, allowing secondary use will enable more efficient spectrum re-use while maintaining existing interference protection for primary links. Re-using spectrum is a spectrally efficient way to deliver broadband services and thus will slow or reduce frequency congestion in other bands. Second, adopting the proposal would lower spectrum acquisition costs for those licensees that elect to use it. In this respect, it is a preferred alternative to the LMDS, 24 GHz and 38.6-40 GHz bands because the spectrum would not be auctioned. For these reasons, WISPA supports the secondary use of the bands for auxiliary stations, as proposed in paragraph 52 of the *NPRM/NOI*.

⁴ See *id.* at ¶41 and ¶52.

Conclusion

WISPA supports the Commission's efforts to provide additional licensed point-to-point and point-to-multipoint spectrum for backhaul. The successful conclusion and implementation of these proposed rules will help WISPs deliver cost-effective broadband to areas and to citizens who today lack affordable access to broadband services.

Respectfully submitted,

**THE WIRELESS INTERNET
SERVICE PROVIDERS ASSOCIATION**

October 25, 2010

By: */s/ Elizabeth Bowles, President*
/s/ Jack Unger, Chair of FCC Committee

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